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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,403	06/06/2001	Srinivas V.R. Gutta	US010127	7747
24737	7590	09/08/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			LAYE, JADE O	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2617	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/875,403	GUTTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jade O. Laye	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) 21 and 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/05&7/15/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

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### ***Response to Amendment***

1. Applicant's amendments, dated 7/15/2005, have been entered and made of record. Due to Applicant's amended Claims, **THIS ACTION IS MADE FINAL**.
  
2. As a result of Applicant's amended Specification, the objections applied in the previous Non-Final Action are hereby withdrawn.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on 7/15/05 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

### ***Claim Objections***

4. Claims 21 and 22 are objected to because of the following informalities:
  - a. The preamble of each should recite "The computer program product...". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (US Pat. No. 5,798,785).

As to claim 1, Hendricks discloses a system, which recommends content to viewers. The system receives a “program abstract” (i.e., received record), which describes the program, from a program abstract database. In turn, the system is able to identify a category (i.e., genre, theme, etc.) from the program abstract that corresponds to the program, and generates a recommendation list based upon the program’s correlation to the specified category. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Moreover, in order for the system to suggest programming based on categories, the system must have some module which correlates said programs to said categories. Accordingly, Hendricks et al anticipate each and every limitation of claim 1.

Claim 8 corresponds to the method claim 1. Therefore, it is analyzed and rejected as previously discussed.

*(NOTE: It is inherent Hendricks contains any number of “classifier modules” because the system can be used to retrieve programs based upon various categories. In essence, each category can be read to correspond to a separate module. For example, comedy category corresponds to the comedy module, sit-com category corresponds to the sit-com module, etc.)*

As to claim 2, Hendricks further discloses a user can enter any number of criteria used to retrieve content. As discussed under claim 1, the system receives a program abstract and identifies a category corresponding to the program. Thereafter, the system generates a list of suggested programs based upon the degree of correlation between said program and user criteria (i.e., a first recommendation for first program, second recommendation for second program, etc.). (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 2.

Claim 9 corresponds to the method claim 2. Therefore, it is analyzed and rejected as previously discussed.

Claims 14, 17, and 20 correspond to the method claim 9. Therefore, each is analyzed and rejected as previously discussed.

As to claim 3, Hendricks again discloses the system is capable of extracting a program abstract from incoming programs (i.e., a first record corresponding to a first program, a second record corresponding to a second program, etc.). Once this program abstract is received, the system then determines the category of the program based upon the program's abstract. Then, the system can generate any number of recommendations – each depending on criteria entered by the user (i.e., first classifier module could be drama, second classifier module could be sports, etc.). (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 3.

Claim 10 corresponds to the method claim 3. Therefore, it is analyzed and rejected as previously discussed.

As to claim 4, Hendricks teaches (as discussed above) the system receives a program abstract (i.e., record) from the incoming program and generates a recommendation of the program according to a correlation between the program and a user's criteria. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). The user can enter any number of criteria (genre, theme, etc.) which are, in essence, classifier modules. The remainder of Applicant's amended limitations are encompassed under the rejection of Claim 1. Accordingly, Hendricks et al anticipate each and every limitation of claim 4.

As to claim 5, Hendricks teaches the user can enter any number of user criteria. Therefore, if the user enters a second criteria, the system will recommend those programs whose abstracts correlate to the define user criteria. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 5.

Claim 11 corresponds to the method claim 5. Therefore, it is analyzed and rejected as previously discussed.

As to claim 6, Hendricks further teaches the system is capable of concurrently generating recommendations based upon the correlation of the program to different categories when the program record fails to indicate an allocation of the program to one specific category. (Col. 36, Ln. 1-16 & Ln. 45-51). The remainder of Applicant's amended limitations are encompassed under the rejections of Claims 1 and 5. Accordingly, Hendricks et al anticipate each and every limitation of claim 6.

Claims 13, 16, and 19 correspond to the method claim 6. But, each fails to recite the "concurrently" limitation of claim 6. However, the same rejected as applied under claim 6 can be applied. Therefore, each is analyzed and rejected as previously discussed.

As to claim 7, Hendricks further teaches the recommended programs can be ranked based upon their correlation values. (Col. 32, Ln. 54-67 thru Col. 33, Ln. 1-13). Accordingly, Hendricks et al anticipate each and every limitation of claim 7.

As to claim 12, Hendricks teaches (as discussed above) the system is capable of identifying any number of programming categories which correspond to the program (which can be a first, second, third, etc. program). The system then calculates a recommendation based upon the correlation between the program and the categories. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 12.

Claims 15 and 18 each combine the limitations recited in claims 1 and 2. Accordingly, each is analyzed and rejected as previously discussed.

As to Claim 22, the recited limitations are inherently disclosed. Since the system is capable of ranking the recommendations, it is inherent the system choose (i.e., select) which recommendations to be listed. Accordingly, Hendricks et al anticipate each and every limitation of Claim 22.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Applicant's Admitted Prior Art ("AAPA").

Claim 21 recites the product of Claim 15, wherein one of the first and second classifier modules is a concept learning based classifier and the other of the modules is a classifier for providing a probabilistic calculation. As discussed above, Hendricks et al anticipate each and every limitation of Claim 15, but fail to specifically recite the limitations of Claim 21. However, within the same field of endeavor, AAPA discloses the exact limitations and admits them as prior art. (Spec. Pg. 6, Ln. 1-13 & 18-21). Accordingly, it would have been obvious to one having

ordinary skill in this art at the time of Applicant's invention to combine the teachings of Hendricks and AAPA to provide a system which incorporates well-known learning techniques.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye  
September 2, 2005.



NGOC-YEN VU  
PRIMARY EXAMINER